

## WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN  
BEFORE THE MEDICAL EXAMINING BOARD

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IN THE MATTER OF DISCIPLINARY :  
PROCEEDINGS AGAINST :  
 : FINAL DECISION AND ORDER  
RALPH J. GALDIERI, JR., M.D., :  
RESPONDENT. : **ORDER 0007226**

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Division of Legal Services and Compliance Case No. 20 MED 190

The parties to this action for the purpose of Wis. Stat. § 227.53 are:

Ralph J. Galdieri, Jr., M.D.  
Waukesha, WI 53188

Wisconsin Medical Examining Board  
P.O. Box 8366  
Madison, WI 53708-8366

Division of Legal Services and Compliance  
Department of Safety and Professional Services  
P.O. Box 7190  
Madison, WI 53707-7190

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final disposition of this matter, subject to the approval of the Medical Examining Board (Board). The Board has reviewed this Stipulation and considers it acceptable.

Accordingly, the Board in this matter adopts the attached Stipulation and makes the following Findings of Fact, Conclusions of Law, and Order.

FINDINGS OF FACT

1. Respondent Ralph J. Galdieri, Jr., M.D. (DOB xx-xx-1951), is licensed in the state of Wisconsin to practice medicine and surgery, having license number 45284-20, first issued on January 27, 2003, with registration current through October 31, 2021. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is in Waukesha, Wisconsin 53188.

2. On April 21, 2020, Respondent surrendered his United States Drug Enforcement Administration (DEA) Certificate of Registration after a DEA investigation revealed Respondent had improperly issued controlled substance prescriptions to his friends and solicited another physician to issue controlled substance prescriptions to his spouse.

3. The DEA discovered that Respondent, over a period of many years, prescribed controlled substances to two of his friends without establishing a physician-patient relationship and without checking the Prescription Drug Monitoring Program database.

4. The DEA discovered that Respondent, over a period of many years, solicited another physician to prescribe Ativan to Respondent's wife without a physician-patient relationship or documentation.<sup>1</sup> Respondent would fill the prescriptions and mail the medication to his wife who lived out-of-state.

5. On April 28, 2020, Respondent applied for a new DEA Certificate of Registration.

6. On May 19, 2020, Respondent entered into a Memorandum of Agreement (MOA) with the DEA limiting his DEA registration for two (2) years from the date of signing. A copy of the DEA MOA is attached as DSPS Exhibit 1.

7. In resolution of this matter, Respondent consents to the entry of the following Conclusions of Law and Order.

#### CONCLUSIONS OF LAW

1. The Wisconsin Medical Examining Board has jurisdiction to act in this matter pursuant to Wis. Stat. § 448.02(3), and is authorized to enter into the attached Stipulation pursuant to Wis. Stat. § 227.44(5).

2. By the conduct described in the Findings of Fact, Respondent engaged in unprofessional conduct as defined by Wis. Stat. § Med 10.03(2)(c) by prescribing any prescription medication in any manner that is inconsistent with the standard of minimal competence.

3. By the conduct described in the Findings of Fact, Respondent engaged in unprofessional conduct as defined by Wis. Admin. Code § Med 10.03(3)(c) by having any credential pertaining to the practice of medicine and surgery or any act constituting the practice of medicine and surgery become subject to adverse determination by any federal agency or authority.

4. By the conduct described in the Findings of Fact, Respondent engaged in unprofessional conduct as defined by Wis. Admin. Code § Med 10.03(3)(e) by failing to establish and maintain timely patient health care records, including records of prescription orders, under s. Med 21.03, or as otherwise required by law.

5. As a result of the above conduct, Respondent is subject to discipline pursuant to Wis. Stat. § 448.02(3).

#### ORDER

1. The attached Stipulation is accepted.

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<sup>1</sup> On December 16, 2020, the Medical Examining Board issued Order No. 7129 against the other physician.

2. Respondent is REPRIMANDED.
3. The Wisconsin license to practice medicine and surgery issued to Respondent (license no. 45284-20) is LIMITED as follows:
  - a. Respondent shall comply with the DEA MOA, attached herein as DSPS Exhibit 1. Any violations of the DEA MOA shall be considered violations of this Order.
  - b. Respondent shall immediately notify the Department Monitor of any violations of the DEA MOA and/or if DEA initiates proceedings to revoke or limit Respondent's DEA Certificate of Registration.
  - c. Respondent shall submit quarterly reports to the Department Monitor beginning three (3) months after the date of this Order. The reports shall include a summary of Respondent's compliance with the DEA MOA during the previous quarter.
  - d. Respondent's may petition the Board to remove the limitation once the DEA MOA is no longer in effect. The petition shall include written proof from the DEA that the DEA MOA is no longer in effect and Respondent has satisfactorily complied with its conditions.
4. Within ninety (90) days from the date of this Order, Respondent shall pay COSTS of this matter in the amount of \$492.00.
5. Any submissions required under this Order, and payment of costs (made payable to the Wisconsin Department of Safety and Professional Services), shall be sent by Respondent to the Department Monitor at the address below:

Department Monitor  
Division of Legal Services and Compliance  
Department of Safety and Professional Services  
P.O. Box 7190, Madison, WI 53707-7190  
Telephone (608) 267-3817; Fax (608) 266-2264  
[DSPSMonitoring@wisconsin.gov](mailto:DSPSMonitoring@wisconsin.gov)

Respondent may also submit payment online at: <https://dpspsmonitoring.wi.gov/>

6. In the event Respondent violates any term of this Order, Respondent's license (no. 45284-20), or Respondent's right to renew his license, may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of the Order. The Board may, in addition and/or in the alternative refer any violation of this Order to the Division of Legal Services and Compliance for further investigation and action.

7. This Order is effective on the date of its signing.

WISCONSIN MEDICAL EXAMINING BOARD

By: Stephen A. Wasserman, MD  
A Member of the Board

17 February 2021  
Date

**IN THE MATTER OF:**

**Ralph J. Galdieri, Jr., M.D.**  
[REDACTED]

) U.S. DEPARTMENT OF JUSTICE  
) DRUG ENFORCEMENT ADMINISTRATION  
) File Number: 13-20-2012

**MEMORANDUM OF AGREEMENT**

**I. Background**

Ralph J. Galdieri, Jr., M.D. (hereafter referred to as Dr. Galdieri) was previously registered with the Drug Enforcement Administration (DEA) as a Practitioner with authorization to handle Schedules 2-5 controlled substances and was assigned DEA Registration Number AG9624847. In April of 2020, Dr. Galdieri surrendered DEA Registration AG9624847 for cause and does not currently maintain an active DEA controlled substance registration. The last registered address for DEA Registration AG9624847 was [REDACTED]

An investigation conducted by DEA revealed Dr. Galdieri improperly issued controlled substance prescriptions, as favors, to his family members and friends, which occurred over a period of many years, outside the scope of proper practice of medicine and without medical documentation. In addition, Dr. Galdieri requested other practitioners in his medical practice to issue him prescriptions for controlled substances for his spouse who resided in New Jersey, which he subsequently filled and mailed to her over the course of many years.

On April 28, 2020, a DEA web-application, DEA-224 Form, Document Control Number (D/N) W20039949C, was submitted for Dr. Galdieri, M.D., for the registered location of [REDACTED]. Dr. Galdieri is a Cardiothoracic Surgeon and is requesting authorization to handle Schedules 2-5 controlled substances as a Practitioner. Dr. Galdieri answered yes to DEA Form-224 Liability Question 2, has the applicant ever surrendered (for cause) or a had a federal controlled substance registration revoked, suspended, restricted or denied, or is any such action pending?

Dr. Galdieri maintains a Wisconsin state medical license, Number 45284-20, expiration date October 31, 2021, with a specialty in Cardiovascular Thoracic Surgery that is listed as active, current, and eligible to practice.

**II. Terms and Conditions**

In the interest of ensuring compliance with the laws and regulations governing controlled substances, Ralph J. GALDIERI, JR., M.D., (Dr. GALDIERI) and the Drug Enforcement Administration (DEA) agree as follows:

- I. Dr. GALDIERI shall abide by all federal, state, and local laws and regulations relating to controlled substances;

2. Dr. GALDIERI shall not consume or possess any controlled substances that are not prescribed or dispensed to him by another licensed physician acting in the usual course of professional practice to treat legitimate medical conditions;
3. Dr. GALDIERI shall only be authorized to provide a medical order, administer, or dispense controlled substances, in Schedules 2-5, when acting in the usual course of professional practice to treat legitimate medical condition and in accordance with federal regulations including, but not limited to, Title 21, Code of Federal Regulations (CFR), Parts 1306 and 1311;
4. Dr. GALDIERI shall not prescribe (that is to issue prescriptions) Schedules 2-5 controlled substances;
5. Dr. GALDIERI shall not procure, order, or stockpile any controlled substances in Schedules 2-5;
6. Dr. GALDIERI shall maintain electronic, typewritten, or otherwise clearly legible log(s) of all controlled substances authorized by Dr. GALDIERI which are ordered, administered, or dispensed to a patient and those log(s) shall include the date, name, and address of the patient, as well as the name, quantity, and medical purpose for the controlled substance(s) Dr. GALDIERI determined should be ordered, administered, or dispensed.
7. Dr. GALDIERI shall provide copies of the aforementioned controlled substance log(s) and agent agreement(s) or access to said log(s) and agent agreement(s) upon request of DEA personnel for the term of this Agreement.
8. Dr. GALDIERI shall allow DEA personnel to enter his registered location at any time during business hours without prior notice to verify compliance with this Agreement, said entry to be permitted without an Administrative Inspection Warrant (AIW) or some other means of entry;
9. Dr. GALDIERI shall notify the DEA Milwaukee District Office:
  - a. Prior to obtaining employment at another (additional) hospital or clinic (including self-employment);
  - b. prior to attempting to transfer his DEA Certificate of Registration to another address;
  - c. prior to submitting an application for a new registration within the State of Wisconsin; and
  - d. prior to submitting an application for a new registration in any other state.
10. Dr. GALDIERI shall immediately notify the DEA Milwaukee District Office and surrender his DEA Registration should his Medical License(s) or his Controlled Substances Registration(s) become suspended or revoked in the State of Wisconsin or in

any other State in which he should obtain a Medical License or Controlled Substances Registration;

- 11. Violation of any term(s) of this Agreement shall result in proceedings to revoke Dr. GALDIERI's DEA Certificate of Registration. Further, nothing in this Agreement shall be construed as a waiver on the part of the DEA to utilize any other grounds for revocation or denial of a DEA registration, in the event that future administrative proceedings become necessary;
- 12. By executing this Agreement, Dr. GALDIERI waives all rights to seek judicial review or to challenge or contest the validity of any terms or conditions of this Agreement.

This Memorandum of Agreement will remain in effect for a period of two (2) years, said period to commence from the date of signing this Agreement, but not prior to May 20, 2020. Upon signing this Agreement, Dr. GALDIERI will be assigned a new DEA registration as a Practitioner, authorized to handle Schedules 2-5 controlled substances under the terms outlined in this Agreement.

The terms of this Agreement do not vitiate Dr. GALDIERI's obligation to adhere to the provisions of Paragraph 1, 2 and 3 during the entire term of his registration as a Practitioner. The DEA enters into this Agreement with the understanding that Ralph J. GALDIERI, JR., M.D., shall abide by its Terms and Conditions in good faith.

**FOR THE DRUG ENFORCEMENT ADMINISTRATION:**

DANIEL  
GILLEN

Digitally signed by DANIEL GILLEN  
Date: 2020.05.19  
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Daniel J. Gillen  
Diversion Program Manager  
DEA Chicago Field Division

Date \_\_\_\_\_

**FOR THE RESPONDENT:**

*Ralph J. Galdieri, Jr.*

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Ralph J. Galdieri, Jr., M.D.

Date 5/19/2020

**AS WITNESSED:**

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Kerriane Ostrowski  
Diversion Investigator  
DEA Chicago Field Division  
Milwaukee District Office (MDO)

Date \_\_\_\_\_



STATE OF WISCONSIN  
BEFORE THE MEDICAL EXAMINING BOARD

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IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

RALPH J. GALDIERI, JR., M.D.,  
RESPONDENT.

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STIPULATION

**ORDER 0007226**

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Division of Legal Services and Compliance Case No. 20 MED 190

Respondent Ralph J. Galdieri, Jr., M.D., and the Division of Legal Services and Compliance, Department of Safety and Professional Services, stipulate as follows:

1. This Stipulation is entered into as a result of a pending investigation by the Division of Legal Services and Compliance. Respondent consents to the resolution of this investigation by Stipulation.

2. Respondent understands that by signing this Stipulation, Respondent voluntarily and knowingly waives the following rights:

- the right to a hearing on the allegations against Respondent, at which time the State has the burden of proving those allegations by a preponderance of the evidence;
- the right to confront and cross-examine the witnesses against Respondent;
- the right to call witnesses on Respondent's behalf and to compel their attendance by subpoena;
- the right to testify on Respondent's own behalf;
- the right to file objections to any proposed decision and to present briefs or oral arguments to the officials who are to render the final decision;
- the right to petition for rehearing; and
- all other applicable rights afforded to Respondent under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and other provisions of state or federal law.

3. Respondent is aware of Respondent's right to seek legal representation and has been provided an opportunity to obtain legal counsel before signing this Stipulation.

4. Respondent agrees to the adoption of the attached Final Decision and Order by the Wisconsin Medical Examining Board (Board). The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Respondent waives all rights to any appeal of the Board's order, if adopted in the form as attached.

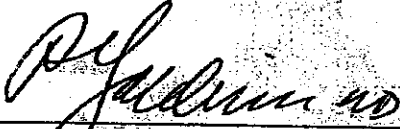
5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the Division

of Legal Services and Compliance for further proceedings. In the event that the Stipulation is not accepted by the Board, the parties agree not to contend that the Board has been prejudiced or biased in any manner by the consideration of this attempted resolution.


6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance and any member of the Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of Respondent, for purposes of speaking in support of this agreement and answering questions that any member of the Board may have in connection with deliberations on the Stipulation. Additionally, any such advisor may vote on whether the Board should accept this Stipulation and issue the attached Final Decision and Order.

7. Respondent is informed that should the Board adopt this Stipulation, the Board's Final Decision and Order is a public record and will be published in accordance with standard Department procedure.

8. The Division of Legal Services and Compliance joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.

  
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Ralph J. Galdieri, Jr., M.D., Respondent  
Waukesha, WI 53188  
License No. 45284-20

2/4/2021  
Date

  
\_\_\_\_\_  
Julie Zimmer, Attorney  
Department of Safety and Professional Services  
Division of Legal Services and Compliance  
P.O. Box 7190  
Madison, WI 53707-7190

02/05/2021  
Date